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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 RONALD HARKOVICH SR.,

12 Plaintiff,

13 vs.

14 PLUM HEALTHCARE GROUP,

15 Defendant.

CASE NO. 07CV1418 WQH (BLM)

ORDER GRANTING PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS

16 HAYES, Judge:

17 Pending before the Court is Plaintiff Ronald Harkovich Sr.'s motion to proceed in forma
18 pauperis. (Doc. # 2).

19 **DISCUSSION & ORDER**

20 All parties instituting a civil action, suit, or proceeding in a district court of the United States,
21 other than a petition for writ of habeas corpus, must pay a filing fee of \$350.00. 28 U.S.C. § 1914(a).
22 An action may proceed despite a party's failure to pay only if the party is granted leave to proceed *in*
23 *forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th
24 Cir. 1999). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114,
25 116 (9th Cir. 1965).

26 In his accompanying affidavit, Plaintiff states that he is not employed, and has not been
27 employed since 1985. Plaintiff currently receives \$769.00 per/month in disability and Social Security
28 Benefits. Plaintiff does not own a car or any other assets such as stocks, bonds, or securities.

1 Plaintiff's savings account has a balance of \$1.60.

2 After considering Plaintiff's motion and the accompanying affidavit, the Court determines that
3 Plaintiff cannot afford to pay the filing fee in this case and is eligible to proceed in forma pauperis
4 pursuant to 28 U.S.C. § 1915(a). The Court therefore **GRANTS** Plaintiff's motion to proceed in
5 forma pauperis. (Doc. # 2).

6 The Clerk of the Court is directed to issue a summons and provide Plaintiff with the summons,
7 certified copies of both this Order and the Complaint, and a blank U.S. Marshal Form 285. Plaintiff
8 shall complete the U.S. Marshal Form 285, and forward the Form 285 along with the designated
9 copies of this Order and the Complaint to the U.S. Marshal. The U.S. Marshal shall serve a copy of
10 the Complaint and summons upon the Defendant as directed by Plaintiff on each U.S. Marshal Form
11 285.

12 **IT IS SO ORDERED.**

13 DATED: August 22, 2007

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15 **WILLIAM Q. HAYES**
16 United States District Judge
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